

Neutral Citation No.2023:PHHC:093442
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41688 of 2022
Date of Decision: 24.07.2023

Gabbar and another

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rishi Pal Singh, Advocate for the petitioners.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C, prayer has been made for grant of anticipatory bail to the petitioners in case FIR No.268 dated 03.07.2022 registered under Sections 13(1) Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 429 IPC at Police Station Butana, District Karnal.

2. FIR was lodged on the complaint of President, Municipal Committee, Nilokheri, as per which, 11-12 cows and bulls were found dead in different parts of the city on 3.7.2022, who appear to have been killed by giving poisonous substance. During investigation, on the basis of CCTV footage and mobile location, co-accused Pawan alias Pammi, was arrested on 03.08.2022, who nominated Vakil (one of the petitioners) and Ajay, son of Jagpal to be involved in the crime. At the instance of Pawan, motor-cycle No.HR05BF-4434 used in the crime was recovered. Accused Ajay was joined in the investigation on 09.08.2022 and his disclosure statement also revealed the involvement of Gabbar (other petitioner) and Jeet Ram in this case. After concluding the investigation, final report qua accused Pawan

alias Pammi and Ajay has already been submitted.

3. As per the contentions of the petitioners, as noted in the order dated 13.09.2022 passed by this Court, petitioners were not named in the FIR; that it is Pawan who as per the prosecution, was found to have given poisonous substance to the cattle; that petitioners were not present at the spot as verified in the CCTV footage nor the petitioners were involved in any other case and that they were being implicated only on the basis of disclosure statement of co-accused Pawan.

4. Both the petitioners were directed to join the investigation and in the meantime, they were allowed interim bail. Time and again, it had been claimed by the petitioners that they have joined the investigation, which was refuted by the State by pleading that though the petitioners came to join the investigation but did not co-operate in the same. In the circumstances, affidavit of the Superintendent of Police, Karnal was called.

5. As per the affidavit of Superintendent of Police, Karnal, petitioner Gabbar has joined the investigation and vehicle Bolero Jeep, used in the crime to carry the dead animals, has been taken into possession. However, petitioner – Vakil did not co-operate in the investigation, as he did not get effected the recovery of motor-cycle on which he had come to the spot.

6. It is submitted by learned counsel for the petitioners that it is only co-accused Pawan, who was found at the spot and who as per the prosecution gave poisonous substance to the petitioners. Recovery of motor-cycle has already been effected from said Pawan. It is further contended that petitioner – Vakil does not own any motor-cycle.

7. On the other hand, learned State Counsel has opposed the bail

petition by pointing out towards the nature of offence and involvement of the petitioners in the crime.

8. Having considered the submissions of both the sides, it is evident from the stand of the respondent that it is only co-accused Pawan, who is alleged to have given the poisonous substance to the cattle. The name of the petitioners has emerged only in the disclosure statement of the co-accused. They have already joined the investigation.

9. Having regard to all the afore-said facts and circumstances but without commenting anything on the merits of the case, the interim anticipatory bail granted to two petitioners vide order dated 13.09.2022 is hereby made absolute. However, petitioners shall continue to join the investigation as and when required by the Investigating Officer.

10. Disposed of.

July 24, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No